

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STAN LEE,

Plaintiffs,

-against-

MARVEL ENTERPRISES, INC. and  
MARVEL CHARACTERS, INC.,

Defendants.

No. 02 CV 8945 (RWS)

**AFFIDAVIT OF STEVEN J.  
SHORE IN OPPOSITION TO  
STAN LEE MEDIA, INC.'S  
MOTION TO BE  
SUBSTITUTED AS A  
PARTY AND TO  
VACATE JUDGMENT**

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

STEVEN J. SHORE, being duly sworn, deposes and says:

1. I am a member of Ganfer & Shore, LLP, counsel for Plaintiff, Stan Lee ("Lee"), in the above action. I submit this affidavit in opposition to the motion of non-party Stan Lee Media, Inc. ("SLMI") for an order allowing SLMI to be substituted as a party in this action, vacating the Court's 2005 orders that resolved the parties' summary judgment motions and dismissed the action with prejudice, and granting SLMI leave to file an Amended Complaint relating back to the inception of this action, for the limited purpose of placing before the Court true and correct copies of the documents listed below.

2. Attached hereto as Exhibit "A" is a copy of an agreement entitled "Employment Agreement/Rights Agreement" between Stan Lee Entertainment, Inc. (the alleged corporate predecessor to SLMI) and Lee, bearing a date of October 15, 1998.

3. Attached hereto as Exhibit "B" is a copy of a letter from Arthur M. Lieberman, Esq., counsel to Lee, to Ken Williams, CEO of SLMI, dated January 30, 2001.

4. Attached hereto as Exhibit "C" are copies of Voluntary Petitions for bankruptcy on behalf of Stan Lee Media, Inc., a Colorado corporation, and Stan Lee Media, Inc., a Delaware corporation, both filed in the United States Bankruptcy Court for the Central District of California on February 16, 2001, Case Nos. SV-01-11331-KL and SV-01-11329-KL.

5. Attached hereto as Exhibit "D" is a copy of the Order Dismissing Cases and Judgment for Quarterly Fees, filed in the Central District of California Bankruptcy Court on December 6, 2006, Case Nos. SV-01-11331-KL and SV-01-11329-KL.

6. Attached hereto as Exhibit "E" is a copy of the Superseding Indictment as to Peter F. Paul (and others), filed on August 2, 2004, in the action entitled United States v. Peter F. Paul, et al., in the United States District Court for the Eastern District of New York, Case No. 01-CR-636 (LDW) (the "Paul Criminal Action"), Docket Entry No. 116.

7. Attached hereto as Exhibit "F" is a copy of the Standard Plea Form as to Peter F. Paul, dated and filed on March 8, 2005, in the Paul Criminal Action, Docket Entry No. 182.

8. Attached hereto as Exhibit "G" are copies of the Minute Entry of Sentencing as to Peter F. Paul, held on June 25, 2009 before the Honorable Leonard D. Wexler, and the Judgment as to Peter F. Paul, dated and filed on June 26, 2009 in the Paul Criminal Action, Docket Entry Nos. 229 and 232.

9. Attached hereto as Exhibit "H" is a copy of relevant excerpts from the General Docket in the action entitled United States v. Peter F. Paul, et al., in the United States Court of Appeals for the Second Circuit, Docket No. 09-cr-3191, including an Order dated July 14, 2010 and an Amended Order dated July 19, 2010 dismissing Paul's appeal except for two specific issues relating to sentencing.

10. Attached hereto as Exhibit "I" is a copy of the Complaint filed in this Court on

March 15, 2007 in an action entitled Stan Lee Media, Inc. v. Marvel Entertainment, Inc., 07 CV 2238 (PAC) (the “SLMI New York Action”).

11. Attached hereto as Exhibit “J” is a June 27, 2008 order of the Colorado court in an action entitled In re Christopher C. Belland, in the District Court for the City and County of Denver, State of Colorado, Case No. 07 CV 7536, granting a motion to remove three members of SLMI’s board of directors for “fraudulent or dishonest conduct” and “gross abuse of authority.”

12. Attached hereto as Exhibit “K” is a copy of an order of the Honorable Paul A. Crotty dated September 9, 2008 and judgment dated September 11, 2008, in the SLMI New York Action.

13. Attached hereto as Exhibit “L” is a copy of the Complaint filed in this Court on January 26, 2009 in an action entitled Abadin v. Marvel Entertainment, Inc., 09 CV 715 (PAC) (the “Abadin Action”).

14. Attached hereto as Exhibit “M” is a copy of an August 10, 2009 order of Judge Crotty in the Abadin Action ruling that no discovery shall take place until after defendants’ motions to dismiss are ruled upon.

15. Attached hereto as Exhibit “N” is a copy of a transcript of proceedings held on September 23, 2009 before Judge Crotty in the Abadin Action, in which the Court denied plaintiffs leave to file a Second Amended Complaint.

16. Attached hereto as Exhibit “O” is a copy of an order of Judge Crotty dated March 31, 2010 dismissing the Abadin Action on grounds including, *inter alia*, the statutes of limitations and laches.

17. Attached hereto as Exhibit “P” is a copy of an order dated June 7, 2010 of the United States Court of Appeals for the Second Circuit in an appeal entitled Abadin v. Marvel

Entertainment, Inc., Docket No. 10-cv-1717, scheduling September 10, 2010 as the date by which plaintiffs-appellants must file their brief and the joint appendix.

18. Attached hereto as Exhibit "Q" are copies of relevant excerpts of Case Dockets listing the counsel appearing on behalf of the SLMI group in the various California and New York federal court actions and documents reflecting the identity of some of their counsel in the Colorado state court actions.

19. Attached hereto as Exhibit "R" is a copy of the Complaint filed in the United States District Court for the Central District of California, in an action entitled Abadin v. Lee, Case No. 09 Civ. 2340 (SVW).

20. Attached hereto as Exhibit "S" is a copy of the Civil Docket for the action entitled Stan Lee Media, Inc. v. Lee, in the United States District Court for the Central District of California, Case No. 07 CV 4438 (SVW), including an entry dated January 27, 2009 staying the case and moving it to the inactive calendar.

21. Attached hereto as Exhibit "T" is a copy of the Civil Docket for this action, including entry of an endorsed Stipulation and Order of Dismissal docketed on April 27, 2005.

22. Attached hereto as Exhibit "U" is a copy of a letter dated July 19, 2010 from me (joined in by counsel for defendant Marvel) to the Honorable Robert W. Sweet addressing various deficiencies regarding SLMI's motion to intervene and unseal certain documents in this action.

23. Attached hereto as Exhibit "V" are copies of two letters dated August 5, 2010 from me to Raymond J. Dowd, Esq., counsel for SLMI herein, requesting, *inter alia*, the withdrawal of SLMI's motions in this action. I received no response to either letter.

  
STEVEN J. SHORE

Sworn to before me this  
31<sup>st</sup> day of August, 2010



NOTARY PUBLIC

**WILLIAM A. JASKOLA**  
Notary Public, State Of New York  
No. 02JA5081132  
Qualified In Nassau County  
Commission Expires June 30, 2011